

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(NORTHERN DIVISION)**

YAHYI SHIHEED #45539

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Plaintiff,

*

v.

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Case No.: 17-cv-01595-GLR

ELLWOOD LYLE

*

Defendant.

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JOINT MOTION TO MODIFY THE SCHEDULING ORDER

Pursuant to the Court’s January 18, 2019 Scheduling Order (ECF No. 31) Plaintiff Yahyi Shiheed and Defendant Ellwood Lyle (collectively, the “Parties”), jointly request that the Court modify the scheduling order to stay discovery pending resolution of a Motion for Summary Judgment regarding the exhaustion of administrative remedies and states as follows:

1. The remaining discovery necessary for this matter includes that taking of depositions and any related additional written discovery that arises from those depositions. All of the remaining discovery directly relates to the underlying claims of the Complaint.

2. The Parties agree that discovery concerning Plaintiff’s exhaustion of the administrative remedy procedure is completed.

3. The Parties believe that staying the remaining discovery pending a ruling on a Motion for Summary Judgment regarding administrative exhaustion that Defendant intends to file is the most efficient way to proceed and promotes judicial economy. In conferring about this matter, the Parties believe that an earlier decision as to administrative exhaustion will at a

minimum narrow the scope of trial saving the Court's and the jurors' limited time and resources. If summary judgment is granted on the basis of lack of administrative exhaustion, it would obviate the need for further discovery.

4. Accordingly, the Parties request that this Court stay discovery pending a resolution of the Motion for Summary Judgment to be filed by Defendant on, or before, April 15, 2020.

5. Following any ruling that does not dispose of the entire Complaint, the Parties will have ninety (90) days to complete the remaining discovery and will submit a joint status report upon completion.

WHEREFORE, the Parties jointly move for an Order modifying the Scheduling Order as set forth above and in the attached proposed order.

Respectfully submitted,

Dated: March 10, 2020

/s/

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Counsel for Defendant, Ellwood Lyle

CERTIFICATE OF SERVICE

I hereby certify that, on March 10, 2020, the foregoing Joint Motion to Modify the Scheduling Order and proposed Order will be served using the Court's CM/ECF system on the following:

Brian E. Frosh, Attorney General of Maryland
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/s/

Gregory L. Waterworth

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ORDER

Upon consideration of the Parties' Joint Motion to Modify the Scheduling Order, it is hereby ORDERED that:

1. The Motion is GRANTED;
2. Discovery is STAYED; and that
3. The hearing on Defendant's Motion for Summary Judgment shall proceed as

follows:

Defendant's Motion for Summary Judgment Due	April 15, 2020
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Plaintiff's Opposition Due	April 29, 2020
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Defendant's Reply Due	May 20, 2020
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4. It is further ORDERED that following any ruling that does not dispose of all causes of action in their entirety, the Parties shall have ninety (90) days to complete all remaining discovery and shall file a joint status report at the conclusion of the discovery deadline.

Date:

Hon, George Levi Russell, III